



City of Coral Gables Planning and Zoning Staff Report

Applicant: Jorge Navarro, Esq./Devon Vickers, Esq.
Application: Variance - VARI-23-10-0013
Property: 240 Edgewater Drive
Legal Description: Tract 1, Baker Homestead
Present Owners: The Jon Paul Perez 2018 Trust
Present Use: Single-Family Residential
Zoning District: Single-Family Residential (SFR)
Public Hearing: Board of Adjustment
Date & Time: Monday, November 6, 2023; 9:00 a.m.
Location: City Commission Chambers, City Hall,
405 Biltmore Way, Coral Gables, Florida 33134

1. APPLICATION REQUEST

Request for a Variances for the property located at 240 Edgewater Drive pursuant to the provisions of Ordinance No. 2021-07 as amended and known as the "Zoning Code."

1. *Variance to allow a proposed tennis court to be located between the main building and the street or closer to the street than the main building, pursuant to Section 3-311(b) of the Coral Gables Zoning Code.*

2. ADVERTISING

This application was advertised in the Miami Daily Business Review on October 27, 2023. Letters were mailed to surrounding properties within one thousand feet of the subject property and the property was posted on October 24, 2023.

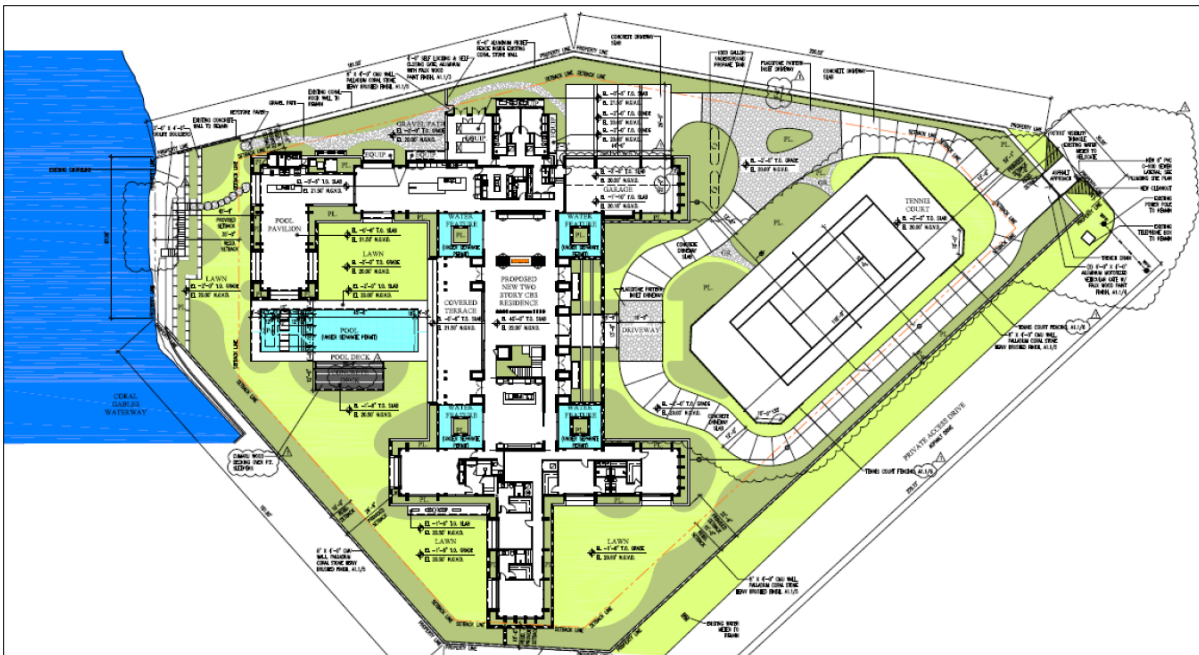
3. STAFF OBSERVATION

The subject property, 240 Edgewater Drive abuts Ingraham Park to the northwest and Coral Gables Waterway to the southeast and has limited frontage on Edgewater Drive. It is an irregularly shaped lot of approximately 62,763 +/- square feet and currently contains a single-family home which the owner is proposing demolish to build a new single-family home, including a tennis court located in the front yard between the main building and the street (Edgewater Drive).

Per Section 3-311, tennis court is permitted as accessory use in single-family residential district provided it shall not be located between the main building and the street or closer to the street than the main building. The applicant is requesting variance from this requirement. This request requires a public hearing, including review and approval by the Board of Adjustment. The Board provides relief from hardships and errors in the application of the regulations.



Aerial of existing condition



Proposed Site Plan

4. STAFF RECOMMENDATION

Pursuant to Section 14-207 Standards for Variances of the “Zoning Code,” the Zoning Division staff finds as follows in regard to the applicant’s proposal as presented in their application for a variance from the provision of Ordinance No. 2021-07, as amended and known as the “Zoning Code,” and makes the following findings:

- 1) **That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.**

Does meet the standard required for authorization of variance.

The subject property is an irregularly shaped lot with very limited frontage on Edgewater Drive. It abuts Ingraham Park to the northwest and Coral Gables Waterway to the southeast, to the east are single-family homes separated by a private access drive. This unusual configuration creates a special condition that is unique to the site.

- 2) **That the special conditions and circumstances do not result from the actions of the applicant.**

Does meet the standard required for authorization of variance.

The property as it currently exists, maintains the same irregular configuration it did when it was originally platted in 1938. The applicant is not causing any special conditions or circumstances.

- 3) **That granting the variances requested will not confer on the applicant a special privilege that is denied by these regulations to other lands, buildings or structures in the same zoning district.**

Does meet the standard required for authorization of variance.

Tennis court is a permitted accessory use in single-family residential district. The applicant will not receive a special privilege that is defined by these regulations to other lands, buildings, or structures in the same zoning district if granted this variance request.

- 4) **The literal interpretation of the provisions of these regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these regulations and would work unnecessary and undue hardship on the applicant (see also definition of “necessary hardship”).**

Does meet the standard required for authorization of variance.

Literal interpretation of the provision of these regulations would not deprive the applicant of rights commonly enjoyed by other properties, being the use of tennis courts, in the same single-family zoning district and Gables Estates neighborhood that meet the requirements in the Zoning Code Site Specific Conditions. However, the Zoning Code does not provide an exception to the location of tennis courts. The proposed tennis court meets the setback requirement with ample landscaping along the perimeter.

- 5) **That the variance granted is the minimum variance that will make possible the reasonable use of land, building or structure.**

Does meet the standard required for authorization of variance.

Although the tennis court is located in the front yard, the width of the frontage on Edgewater Drive is only approximately 35 feet. It meets all setbacks and lush landscaping is being provided along the perimeter.

- 6) That granting the variance will not change the use to one that is not permitted in the zoning district or different from other land in the same district.**

Does meet the standard required for authorization of variance.

Granting the variance requested will not change the use of the property. The subject property will remain a single-family home, permitted in this single-family residential zoning district.

- 7) That the granting of the variance will be in harmony with the general intent and purpose of these regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.**

Does meet the standard required for authorization of variance.

The granting of the variance will be in harmony with the general intent and purpose of these regulations and will not be injurious to the area involved or otherwise detrimental to the public welfare. The proposed tennis courts will enhance the subject property's values as well as offer the same benefit of using tennis courts as other homes in the area.

- 8) The granting of the variance is appropriate for the continued preservation of an historic landmark or historic landmark district.**

Not applicable. *The property is not a historic landmark or in a historic landmark district.*


The Planning and Zoning Division staff recommends **APPROVAL**.

5. ATTACHMENTS

- A. Applicant's submittal package.
- B. Property Appraiser Summary Report.
- C. Legal advertisement published.
- D. Notice mailed to all property owners within 1,000 feet.

Please visit the City website at www.coralgables.com to view all application materials. The complete application also is on file and available for examination during business hours at the Planning and Zoning Division, 427 Biltmore Way, Suite 201, Coral Gables, Florida, 33134.

Respectfully submitted,


Arceli Redia, MPA, LEED AP
Zoning Administrator
City of Coral Gables, Florida